

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 351

Introduced by Senator Soto

February 16, 2005

An act to amend Section 36621 of the Streets and Highways Code, relating to improvement districts; relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Soto. ~~Property and business improvement districts~~ Railroads: derailment evacuation plans and training.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid communications with that office, the Department of the California Highway Patrol, and designated county public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. Existing law requires a railroad corporation to promptly notify the office, the department, and the public safety agencies, through a communication to the Warning Center of the office, if there is a runaway train or

other uncontrolled train movement threatening public safety, in accordance with the developed communications protocol.

This bill would state the intent of the Legislature to authorize a city, county, and city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track, to have evacuation training and drills, and to obtain reimbursement for costs incurred through fees charged to railroad corporations using the track.

~~The Property and Business Improvement District Law of 1994 authorizes a city or county to establish a property and business improvement district and to levy assessments on certain property or business owners for the purpose of providing improvements and promoting activities of benefit to the property or business owners. Existing law, in order to initiate the process of forming a district, requires a written petition signed by the property or business owners in the proposed district who will pay more than 50% of the assessments proposed to be levied. The petition is submitted to the governing body of the city or county, which may then form the district and levy the assessments according to a specified process.~~

~~This bill would require the governing body, at a public hearing, to consider and determine the value of any written protests filed against the establishment of the district or the proposed assessments, and would preclude the governing body from establishing the district or levying the proposed assessments if written protests were filed by more than 50% of the number of property ownerships in the proposed district that also represent not less than 20% of the proposed assessments, or if written protests were filed by more than 50% of the business owners in the proposed district that also represent not less than 20% of the proposed assessments. The bill would authorize any person or agency filing a written protest to withdraw the protest at any time prior to the conclusion of the public hearing. The bill would define “property ownership” for these purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *It is the intent of the Legislature to authorize*
- 2 *a city, county, and city and county to develop rail derailment*
- 3 *evacuation plans for populated neighborhoods adjacent to a*

1 *high-volume railroad track and to have evacuation training and*
2 *drills.*

3 *(b) It is the further intent of the Legislature to authorize a city,*
4 *county, and city and county to obtain reimbursement, through*
5 *fees, for the costs incurred in creating a rail derailment*
6 *evacuation plan and for evacuation training and drills, from the*
7 *railroad corporations using the railroad track.*

8 ~~SECTION 1. Section 36621 of the Streets and Highways~~
9 ~~Code is amended to read:~~

10 ~~36621. (a) Upon the submission of a written petition, signed~~
11 ~~by the property or business owners in the proposed district who~~
12 ~~will pay more than 50 percent of the assessments proposed to be~~
13 ~~levied, the city council may initiate proceedings to form a district~~
14 ~~by the adoption of a resolution expressing its intention to form a~~
15 ~~district. The amount of assessment attributable to property or a~~
16 ~~business owned by the same property or business owner that is in~~
17 ~~excess of 40 percent of the amount of all assessments proposed to~~
18 ~~be levied, shall not be included in determining whether the~~
19 ~~petition is signed by property or business owners who will pay~~
20 ~~more than 50 percent of the total amount of assessments~~
21 ~~proposed to be levied.~~

22 ~~(b) The petition of property or business owners required under~~
23 ~~subdivision (a) shall include a summary of the management~~
24 ~~district plan. That summary shall include all of the following:~~

25 ~~(1) A map showing the boundaries of the district.~~

26 ~~(2) Information specifying where the complete management~~
27 ~~district plan can be obtained.~~

28 ~~(3) Information specifying that the complete management~~
29 ~~district plan shall be furnished upon request.~~

30 ~~(c) The resolution of intention described in subdivision (a)~~
31 ~~shall contain all of the following:~~

32 ~~(1) A brief description of the proposed activities and~~
33 ~~improvements, the amount of the proposed assessment, a~~
34 ~~statement as to whether the assessment will be levied on property~~
35 ~~or businesses within the district, a statement as to whether bonds~~
36 ~~will be issued, and a description of the exterior boundaries of the~~
37 ~~proposed district. The descriptions and statements do not need to~~
38 ~~be detailed and shall be sufficient if they enable an owner to~~
39 ~~generally identify the nature and extent of the improvements and~~
40 ~~activities and the location and extent of the proposed district.~~

1 ~~(2) A time and place for a public hearing on the establishment~~
2 ~~of the property and business improvement district and the levy of~~
3 ~~assessments, which shall be consistent with the requirements of~~
4 ~~Section 36623.~~

5 ~~(d) (1) At the public hearing, the city council shall consider~~
6 ~~any written protests against the establishment of the district or~~
7 ~~the proposed assessments. Any person or agency who has filed a~~
8 ~~written protest may withdraw that protest at any time prior to the~~
9 ~~conclusion of the public hearing.~~

10 ~~(2) At the conclusion of the public hearing, the city council~~
11 ~~shall determine the value of the written protests filed and not~~
12 ~~withdrawn. The city council shall not establish the district or levy~~
13 ~~the proposed assessments if the city council finds either of the~~
14 ~~following:~~

15 ~~(A) The written protests were filed by more than 50 percent of~~
16 ~~the number of the property ownerships in the proposed district~~
17 ~~that also represent not less than 20 percent of the proposed~~
18 ~~assessments.~~

19 ~~(B) The written protests were filed by more than 50 percent of~~
20 ~~the number of business owners in the proposed district that also~~
21 ~~represent not less than 20 percent of the proposed assessments.~~

22 ~~(3) If the city council, pursuant to paragraph (2), finds that the~~
23 ~~value of written protests filed and not withdrawn is insufficient to~~
24 ~~preclude the establishment of the district and the levy of the~~
25 ~~proposed assessment, the city council may proceed to establish~~
26 ~~the district and levy the proposed assessment as provided in this~~
27 ~~chapter.~~

28 ~~(4) As used in this subdivision, "property ownership" means~~
29 ~~any person or agency that owns one or more parcels of real~~
30 ~~property in the proposed district. For purposes of this~~
31 ~~subdivision, a person or agency that owns two or more parcels of~~
32 ~~real property in the proposed district shall be considered to be a~~
33 ~~single "property ownership."~~